IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

MACA.No. 935 of 2007()

OPMV.1127/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
.....

APPELLANT/PETITIONER IN OP (MV):

UNNIKELU, AGED 72 YEARS, RESIDING AT ODAMANNIL HOUSE,MUKKAM POST, NR.GOVT.HIGH SCH0OL,KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS: RESPONDENTS IN OP MV
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1. RUKHIYA AHAMMED,W/O.AHAMMED, AGED NOT KNOWN RESIDING AT MATTATHIL(H), CHATHAMANGALAM POST,KOZHIKODE.

2. THE NEW INDIA ASSURANCE COMPANY LTD., BRANCH OFFICE,THRIPURI BUILDING, EAST NADAKKAVU,KOZHIKODE.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.NO.935 OF 2007 (A)

Dated this the 21st day of June, 2007

J U D G M E N T

KOSHY,J.

Petitioner while travelling in a goods autorickshaw met with an accident, by which he suffered 2% disability. Since he was a gratuitous passenger in a goods autorickshaw, Tribunal rightly rejected the claim against the Insurance company and directed the owner of the vehicle to deposit the compensation of Rs.14,840/-. Considering the nature of injuries, we are of the opinion that the amount of compensation awarded is just and reasonable and no grounds are made out to interfere with the impugned award. Hence this appeal is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

8th June, 2007